

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:

Erin Owens  
Debtor

Case No.10-53504 wsd  
Chapter 13  
Honorable Walter Shapero

Erin Owens  
Plaintiff

Adv. Proc. No.10-05320

v.

Bank of America  
Defendant

**DEFAULT JUDGMENT**

**WHEREAS**, on April 26, 2010, an adversary proceeding was brought by Plaintiff, Erin L.Owens, against Bank of America, (the “Defendant”) pursuant to Federal Rules of Bankruptcy Procedure 7001, to seek relief in accordance with Section 523 of the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”).

**WHEREAS**, the court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. § 1334; and

**WHEREAS**, this adversary proceeding is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A) and (K), and

**WHEREAS**, venue properly lies in this judicial district pursuant to 28 U.S.C. §§ 1409 and 1409, and

**WHEREAS**, the mortgage in this case was originally owned by Countrywide, N.A, and

**WHEREAS**, Defendant states that prior to the filing of this Adversary Proceeding that it acquired Countrywide, N.A., the mortgage in this case and is the true owner of that mortgage, and

**WHEREAS**, Defendant further states that BAC Home Loan Servicing, LP, is a wholly owned subsidiary/division of Defendant,

**IT IS THEREFORE ORDERED** that Defendant's claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Plan.

**IT IS FURTHER ORDERED** that the avoidance of Defendant's second lien is contingent upon the Debtor's completion of the Chapter 13 plan and the Debtor's receipt of a Chapter 13 discharge.

**IT IS FURTHER ORDERED** that upon completion of the debtor's Chapter 13 plan and the entry of a Chapter 13 discharge order in bankruptcy case number 10-53504-wsd, the mortgage("Mortgage") dated October 6, 2005, covering the following described property ("Property") situated in the County of Washtenaw, City of Ypsilanti, State of Michigan, and further described as follows:

Lots 21 & 22, Plan of Clarksville, according to the recorded plat thereof, Washtenaw County Records.

Tax Id: 11-11-37-100-006

Commonly known as: 129 Bell St, Ypsilanti, MI

Recorded in the Washtenaw County Register of Deeds on October 20, 2005, Liber 4515, Page 629, will be stripped from the Property and discharged.

**IT IS FURTHER ORDERED** that upon completion of the debtor's Chapter 13 plan and the entry of a Chapter 13 discharge order in the bankruptcy case number 10-53504-wsd, the debtor may record a certified copy of this order, with a copy of the debtor's Chapter 13 discharge order attached, with the Washtenaw County Register of Deeds, which will constitute and effectuate the discharge of the Mortgage.

**IT IS FURTHER ORDERED** that if the debtor fails to complete the debtor's Chapter 13 plan and obtain a Chapter 13 discharge order in bankruptcy case number 10-5304-wsd, this order does not affect the validity or enforceability of the Mortgage and may not be used in any subsequent bankruptcy case of the debtor either to compel the holder of the Mortgage to execute a discharge of the Mortgage, or to otherwise act as a discharge of the Mortgage.

**IT IS FURTHER ORDERED** that Defendant shall retain its lien for the full amount due under the subject loan should the subject property be sold or should a refinance take place prior to Plan completion and entry of a Discharge.

**IT IS FURTHER ORDERED** that Defendant shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the Debtor's Chapter 13 case to any other Chapter under the United States Bankruptcy Code.

**IT IS FURTHER ORDERED** that in the event that any entity, including the holder of the first lien on the Subject Property, forecloses on its security interest and extinguishes Defendant's lien prior to the Debtor's completion of the Chapter 13 Plan and receipt of a Chapter 13 discharge, Defendant's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

Signed on August 27, 2010

\_\_\_\_\_/s/ Walter Shapero\_\_\_\_\_  
Walter Shapero  
United States Bankruptcy Judge